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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	
)	2:10-CR-547-RLH-GWF
Plaintiff,)	
)	
v.)	<u>Government's Unopposed Motion</u>
)	<u>for Order for Clerk to Provide</u>
SHAWN JOSEPH NEWKIRK,)	<u>Sealed Document to Counsel</u>
)	
Defendant.)	
_____)	

The United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and ELIZABETH O. WHITE, Appellate Chief and Assistant United States Attorney, files this unopposed motion respectfully requesting that the Court enter an Order directing the Clerk to provide copies of sealed Doc. #705 in the above-captioned case to undersigned government counsel and to Assistant Federal Public Defender Nisha Brooks-Whittington, Esq., counsel for Defendant Shawn Joseph Newkirk.

This order is sought for the following reasons:

1. On November 13, 2012, this Court sentenced Defendant to 48 months'

imprisonment on his conviction for drug-related offenses. CR 722.

2. On February 27, 2015, Defendant filed a *pro se* motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) in light of Guidelines Amendment 782. CR 906.

3. On March 3, 2015, this Court issued an Order appointing the Federal Public Defender to represent Defendant, and setting deadlines. (A joint stipulation to extend those deadlines was filed on July 1, 2015, and is currently pending, *see* CR 933).

4. To determine whether Defendant is eligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) in light of Guidelines Amendment 782, counsel need access to the Government's Motion for Departure (sealed documents #705), which this Court granted at Defendant's sentencing hearing. *See* CR 717. Undersigned counsel has been advised by the Clerk's Office that it cannot provide counsel with that sealed document without an Order from the Court.

WHEREFORE, based on the foregoing, the government respectfully requests that the Court enter an Order directing the Clerk to provide copies of Sealed Doc. #705 to undersigned government counsel and counsel for Newkirk.

DATED this 2d day of July, 2015.

DANIEL G. BOGDEN
United States Attorney

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

s/ Elizabeth O. White
ELIZABETH O. WHITE
Appellate Chief and
Assistant United States Attorney

DATED: July 6, 2015

The undersigned certifies that the foregoing was filed with the clerk of court via cm-ecf, and service will be accomplished via cm-ecf

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